

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GARY LABARBERA, et al.,

BROOKLYN OFFICE

Plaintiffs,

ORDER

-against-

06-CV-2867 (SLT) (VVP)

OVAN CONSTRUCTION, INC.,

Defendant.

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**TOWNES, United States District Judge:**

On May 14, 2010, the Honorable Victor V. Pohorelsky, United States Magistrate Judge, issued a Report and Recommendation ("R&R"), recommending that the Court strike defendant's pleadings and enter a default against the defendant in this action. R&R at 1. Magistrate Judge Pohorelsky advised the parties that they had fourteen days from the issuance of the R&R in which to file written objections to it. *Id.* at 2. Although Magistrate Judge Pohorelsky's chambers mailed a copy of the R&R to defendant on May 17, 2010, no objections have been received.

A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Therefore, the Court adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

### **CONCLUSION**

For the reasons stated above, Magistrate Judge Pohorelsky's Report and Recommendation dated May 14, 2010, is adopted in its entirety. The defendant's pleadings are stricken and a default is entered against the defendant. Since this Court's Memorandum and

Order dated March 31, 2010, the Court referred this case to Magistrate Judge Pohorelsky for an inquest on damages, no further reference is required.

**SO ORDERED.**

*[Handwritten signature]*  
s/ SLT  
SANDRA L. TOWNES  
United States District Judge

Dated: August 3, 2010  
Brooklyn, New York